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C O N F I D E N T I A L STATE 144414

E.O. 11652: GDS

TAGS: SHUM

SUBJECT: DRAFT HUMAN RIGHTS PLAN FOR TANZANIA

REF: STATE 139160

1. DEPARTMENT WOULD APPRECIATE EMBASSY COMMENTS ON
FOLLOWING DRAFT COUNTRY PLAN BY JUNE 28. WOULD APPRECIATE
PRECISE FIGURES ON POLITICAL PRISONERS, IF AVAILABLE.
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A. HUMAN RIGHTS CONDITIONS

TANZANIA IS A ONE-PARTY PARLIAMENTARY REPUBLIC WITH
SOCIALISM AS THE ULTIMATE GOAL, AND ITS CONSTITUTION
ESTABLISHES THE PARTY AS THE SUPREME MAKER OF NATIONAL
POLICY. OPPOSITION PARTIES ARE NOT PERMITTED TO FUNCTION.
ABOUT HALF OF PARLIAMENT IS DIRECTLY ELECTED, WITH TWO
CANDIDATES (BOTH APPROVED BY THE PARTY) RUNNING AGAINST
CONFIDENTIAL

PAGE 02 STATE 144414

EACH OTHER FOR A SINGLE SEAT. REMAINING MEMBERS ARE
APPOINTED OR ELECTED WITHOUT OPPOSITION. ZANZIBAR RETAINS
INTERNAL AUTONOMY BUT HAS NOT HAD ELECTIONS SINCE
INDEPENDENCE.

THE CONSTITUTION DOES NOT CONTAIN A BILL OF RIGHTS,
ALTHOUGH IT DOES RECOGNIZE RIGHTS TO LIFE, LIBERTY,
PROPERTY (IN A SOCIALIST SETTING), FREEDOM OF CONSCIENCE,
EXPRESSION AND ASSOCIATION. THE PARTY CONSTITUTION
GUARANTEES THE RIGHT OF FREE SPEECH AT PARTY MEETINGS AND

THE RIGHT OF DEFENSE AND APPEAL IN PARTY DISCIPLINARY PROCEEDINGS. THE JUDICIARY IS INDEPENDENT BUT SUBJECT TO GOVERNMENTAL PRESSURE.

1. INTEGRITY OF THE PERSON

PREVENTIVE DETENTION AND NATIONAL SECURITY LAWS PERMIT THE INDEFINITE DETENTION WITHOUT TRIAL OR PUBLIC HEARING OF INDIVIDUALS CONSIDERED DANGEROUS TO THE SAFETY, GOOD ORDER OR INTERESTS OF TANZANIA. NO PRECISE FIGURES ARE AVAILABLE ON THE NUMBER OF POLITICAL PRISONERS OR DETAINEES, BUT ESTIMATES RANGE FROM SEVERAL HUNDRED TO PERHAPS THREE THOUSAND. PRISONS THEMSELVES ARE SERIOUSLY OVERCROWDED AND HAVE MINIMAL FACILITIES.

SINCE INDEPENDENCE THERE HAVE BEEN NO MASSACRES, RIOTS OR OTHER INCIDENTS WHICH HAVE TAKEN SUBSTANTIAL NUMBERS OF LIVES. ALTHOUGH THE POLICE OCCASIONALLY USE THIRD DEGREE METHODS, TORTURE OR OTHER FORMS OF EXCEPTIONALLY CRUEL, INHUMANE OR DEGRADING TREATMENT ARE NOT SYSTEMATICALLY EMPLOYED. TWO MINISTERS AND SEVERAL OTHER OFFICIALS WERE FORCED TO RETIRE IN JANUARY, 1977 ON THE GROUNDS THAT POLICE WITHIN THEIR JURISDICTION (BUT WITHOUT THEIR CONFIDENTIAL

PAGE 03 STATE 144414

KNOWLEDGE) HAD USED TORTURE AGAINST SUSPECTS.

A PERMANENT COMMISSION HAS BEEN ESTABLISHED TO PROTECT INDIVIDUALS FROM ABUSE BY AUTHORITIES. AT THE SAME TIME, HOWEVER, PROSECUTION ITSELF IS USED FOR HARRASSMENT AND CASES ARE KEPT PENDING FOR LONG PERIODS, EVEN THOUGH THE GOVERNMENT REALIZES THAT THERE WILL EVENTUALLY BE AN ACQUITTAL. RELATIVES OF FORMER FOREIGN MINISTER OSCAR KAMBONA, WHO FLED INTO EXILE AFTER AN ATTEMPT TO TOPPLE PRESIDENT NYERERE, HAVE BEEN HELD IN DETENTION FOR NEARLY TEN YEARS, PRESUMABLY AS A COUNTER TO FURTHER PLOTTING BY KAMBONA. TANZANIA ALSO IMPRISONS A NUMBER OF MEMBERS OF RHODESIAN AND NAMIBIAN LIBERATION GROUPS WHOSE IDEOLOGY CONFLICTS WITH RIVAL GROUPS SUPPORTED BY TANZANIA.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

FREEDOM OF RELIGION IS OBSERVED IN TANZANIA, BUT OTHER BASIC CIVIL RIGHTS ARE SUBORDINATED TO THE IMPLEMENTATION OF TANZANIAN SOCIALIST POLICIES. ALTHOUGH MOVEMENT IS NOMINALLY FREE WITHIN THE COUNTRY, CITIZENS WITHOUT JOBS ARE SUBJECT TO FORCED REMOVAL FROM CITIES TO RURAL VILLAGES WHERE THEY MUST ENGAGE IN SUBSISTENCE AGRICULTURE. CIRCULATION OF FOREIGN BOOKS AND MAGAZINES IS FAIRLY FREE, BUT LOCAL PRESS, MEDIA AND EDUCATIONAL INSTITUTIONS PRESENT A SINGLE PROPAGANDISTIC POINT OF VIEW. PUBLIC DISAGREEMENT WITH BASIC POLICIES AND IDEOLOGY IS

NOT PERMITTED; PRIVATE CRITICISM, THOUGH NOT UNCOMMON, CAN GET PEOPLE INTO TROUBLE. THOUGH RACISM IS BANNED, THE ASIAN MINORITY OPERATING PRIVATE BUSINESSES IS SUBJECT TO HEAVY ECONOMIC PRESSURES WHICH ARE GRADUALLY FORCING IT OUT OF THE COUNTRY.

3. ECONOMIC RIGHTS

PROPERTY RIGHTS ARE SUBORDINATE TO SOCIALIST PRINCIPLES
CONFIDENTIAL

PAGE 04 STATE 144414

IN TANZANIA WHERE PER CAPITA INCOME IS DOLS. 155. MOST MAJOR ENTERPRISES, PLANTATIONS, RENTAL PROPERTY AND LAND HAVE BEEN NATIONALIZED, AND LICENSING AND SUPPLY PROCEDURES ARE USED TO FAVOR COOPERATIVES AND IN SOME CASES PUT OUT OF BUSINESS THEIR PRIVATELY-RUN COMPETITORS. THE GOVERNMENT'S ATTEMPTS TO RESETTLE RURAL PEOPLE IN COMMUNAL VILLAGES ALSO HAS RESULTED IN LOSS OF PROPERTY AND CATTLE.

AT THE SAME TIME, THIS ATTEMPT AT TANZANIAN-STYLE SOCIALISM HAS BEEN PURSUED WITH THE IDEA OF SHARING THE SMALL RESOURCES OF THE COUNTRY WITH ALL THE PEOPLE, AND TO A LARGE EXTENT THERE HAS BEEN A REASONABLE REDISTRIBUTION INSIDE THE ECONOMIC SECTOR OF THE NATION. CORRUPTION EXISTS, BUT IT IS CERTAINLY NOWHERE NEAR COMPARABLE TO THAT EXISTING IN MANY OTHER THIRD WORLD NATIONS. THE TANZANIAN GOVERNMENT SEEMS GENUINELY INTERESTED IN IMPROVING THE LOT OF ITS PEOPLE, AND POOR ECONOMIC PERFORMANCE SEEMS MORE DUE TO INEFFICIENCY AND STRICT ADHERENCE TO DOGMA RATHER THAN ANY ONE GROUP OF FAMILIES OR SMALL CLASS OF PEOPLE ENRICHING THEMSELVES AT THE EXPENSE OF THE PEOPLE.

4. GOVERNMENT RESPONSIBILITY

IN DIRECT CONTRAST TO ITS STANCE ON VIOLATIONS OF HUMAN RIGHTS IN OTHER COUNTRIES, TANZANIA TENDS TO IGNORE, OR AT BEST JUSTIFY IN THE INTERESTS OF STATE SECURITY, MOST DOMESTIC VIOLATIONS OF HUMAN RIGHTS. DETENTION LAWS ARE USUALLY DESCRIBED BY GOVERNMENT LEADERS AS A NECESSARY EVIL, AND IDEOLOGY SUBORDINATES THE RIGHTS OF THE INDIVIDUAL TO THE NEEDS OF THE STATE. JUSTIFICATIONS ON SECURITY GROUNDS SEEM OVERDRAWN, SINCE THERE IS LITTLE IMMINENT
CONFIDENTIAL

PAGE 05 STATE 144414

THREAT TO THE CURRENT GOVERNMENT. JUSTIFICATION FOR THE DETENTION OF DISSIDENT NAMIBIAN OR RHODESIA SPLINTER GROUPS FALLS ON EVEN WEAKER GROUND SINCE THESE PEOPLE ARE NOT EVEN TANZANIAN CITIZENS AND USUALLY HAVE BROKEN

NO TANZANIAN LAW.

PRESIDENT NYERERE HAS CONSISTENTLY CALLED FOR MAJORITY RULE IN SOUTHERN AFRICA WITH GUARANTEES FOR MINORITY RIGHTS. HE BROKE RELATIONS WITH THE UK IN 1965 WHEN RHODESIA DECLARED UDI, THEREBY FORSAKING BRITISH AID DUE TO WHAT HE CONSIDERED THE BRITISH FAILURE TO DELIVER MAJORITY RULE IN RHODESIA. NYERERE OPPOSES APARTHEID BUT AT THE SAME TIME HAS BEEN ONE OF THE FEW AFRICAN LEADERS TO CONDEMN THE REGIME OF UGANDA'S IDI AMIN, LEADING SEVERAL OBSERVERS TO CALL HIM "THE CONSCIENCE OF AFRICA." AN AVOWED SOCIALIST AT HOME AND ABROAD, HE IS IN THE FOREFRONT OF THE NORTH-SOUTH DIALOGUE AND IS ONE OF THE LEADING THEORETICIANS CALLING FOR MORE RESOURCES TO BE TRANSFERRED FROM THE ECONOMICALLY DEVELOPED COUNTRIES TO THE LESS-DEVELOPED NATIONS.

5. WILLINGNESS TO PERMIT OUTSIDE INVESTIGATIONS

IT IS UNLIKELY THAT TANZANIA WOULD PERMIT OUTSIDE INVESTIGATIONS OF HUMAN RIGHTS VIOLATIONS, ALTHOUGH THERE IS THE POSSIBILITY THAT THE GOVERNMENT WOULD LISTEN TO PLEAS FOR THE RELEASE OF SOME BLACK LIBERATION GROUP LEADERS, IF IT WERE GUARANTEED THAT THESE PEOPLE WOULD NOT BE RETURNED TO SOUTHERN AFRICA WHERE THE WHITE REGIMES MIGHT JAIL THEM. GIVEN ITS RIGHTEOUS ATTITUDE ABOUT HUMAN RIGHTS VIOLATIONS IN OTHER COUNTRIES, THE TANZANIAN GOVERNMENT WOULD LIKELY REACT STRONGLY AGAINST ANY PUBLIC CALL FOR INVESTIGATIONS INTO ITS OWN PRACTICES.

AMNESTY INTERNATIONAL CONDUCTED A CAMPAIGN AGAINST THE TREASON TRIAL OF A NUMBER OF PEOPLE ON ZANZIBAR OVER THE CONFIDENTIAL

PAGE 06 STATE 144414

PAST YEAR. WHILE THE ZANZIBAR GOVERNMENT CLAIMED THAT OUTSIDE CRITICISM DID NOT AFFECT THE COURSE OF THE TRIAL, NEARLY ALL OF THE DEATH SENTENCES WERE COMMUTED IN JANUARY 1977 EXCEPT FOR THOSE BEING TRIED IN ABSENTIA WHO ARE IN JAIL ON THE MAINLAND AND NOT UNDER ANY THREAT OF EXECUTION. A NUMBER OF ZANZIBARIS INVOLVED IN THIS TRIAL WERE ACQUITTED AFTER HAVING SERVED SEVERAL YEARS IN PRISON. ZANZIBAR'S AUTONOMY CERTAINLY HELPED IN THE OUTCOME.

B. ANALYSIS AND RECOMMENDATIONS

1. U.S. HUMAN RIGHTS OBJECTIVES

OUR PRIMARY OBJECTIVE IN TANZANIA FOR THE SHORT TERM SHOULD BE TO KEEP THE EAR OF THE GOVERNMENT, NOT ONLY REGARDING ITS DOMESTIC HUMAN RIGHTS SITUATION BUT ALSO IN CONTEXT OF OUR MUTUAL DESIRE TO SEE A PEACEFUL SOLUTION TO THE HUMAN RIGHTS PROBLEMS OF SOUTHERN AFRICA. IN THIS REGARD

WE NEED PRESIDENT NYERERE'S COOPERATION AND ATTENTION, AND OUR RECENT POLICIES HAVE BEEN DESIGNED TO ACHIEVE THESE ENDS.

ANOTHER OBJECTIVE IS TO IMPROVE THE LOT OF POLITICAL PRISONERS IN TANZANIA, ESPECIALLY THAT OF INNOCENT RELATIVES WHO ARE IN DETENTION FOR LITTLE REASON OTHER THAN FAMILY TIES.

LONG-TERM OBJECTIVES INCLUDE A BROADENING OF POLITICAL PARTICIPATION, RELEASE OF ALL POLITICAL PRISONERS AND RESTORATION OF FREEDOM OF THE PRESS.

2. LIKELY U.S. INFLUENCE

CONFIDENTIAL

PAGE 07 STATE 144414

PUBLIC CRITICISM OR ATTEMPTED INTERVENTION IN TANZANIA'S DOMESTIC SITUATION ARE LIKELY TO PRODUCE A MARKEDLY HOSTILE REACTION FROM PRESIDENT NYERERE. NOT ONLY WOULD THIS UNDERCUT HIS INTERNATIONAL POSITION, BUT IT WOULD ALSO DAMAGE THE TIES WE HAVE BUILT UP WITH TANZANIA AND PERHAPS OTHER BLACK FRONT LINE STATES IN OUR INITIATIVES TO FIND NONVIOLENT SOLUTIONS IN SOUTHERN AFRICA.

WITH OUR SMALL AID PROGRAM, THE US RANKS QUITE LOW ON THE LIST OF TANZANIA'S DONORS. TANZANIA IS VERY POPULAR AS AN AID RECIPIENT AND COULD EASILY FIND OTHER NATIONS TO REPLACE ANY PROGRAMS WE THREATEN TO CURTAIL. SUCH ATTEMPTED PRESSURE WOULD ALSO BE PROVOCATIVE AND ELICIT A HOSTILE REACTION. OUR LACK OF LEVERAGE WITH TANZANIA WAS SHOWN TWO YEARS AGO WHEN WE ATTEMPTED TO PRESSURE THE GOVERNMENT INTO ALTERING ITS HOSTILE STANCE AT THE UN: RELATIONS BETWEEN OUR TWO COUNTRIES DROPPED TO THEIR LOWEST EBB, AND ITS UN PERFORMANCE REMAINED THE SAME.

3. OPTIONS:

A. PRIVATELY INFORM THE TANZANIANS OF OUR CONCERN FOR THE HUMAN RIGHTS OF POLITICAL DETAINEES. WHILE NOTING THE ACHIEVEMENTS OF TANZANIA'S SOCIALIST EXPERIMENT, WE COULD CONVEY OUR BELIEF THAT DETAINEES, ESPECIALLY THOSE WHO HAVE ONLY FAMILY TIES TO POLITICAL PRISONERS, SHOULD BE RELEASED OR RECEIVE BETTER TREATMENT.

B. WARN THE GOVERNMENT OF THE NEGATIVE IMPACT ITS TREATMENT OF POLITICAL PRISONERS COULD HAVE ON TANZANIA'S IMAGE IN THE US, MAKING EXPLICIT OUR INTENTION TO PUBLICLY CRITICIZE HUMAN RIGHTS VIOLATIONS INSIDE TANZANIA UNLESS CORRECTIVE ACTION WERE TAKEN.

C. USE OUR VOTES IN INTERNATIONAL FINANCIAL INSTITUTIONS

TO DRAMATIZE OUR CONCERN WITH TANZANIAN HUMAN RIGHTS
CONFIDENTIAL

PAGE 08 STATE 144414

VIOLATIONS.

D. SUSPEND ECONOMIC AID BECAUSE OF HUMAN RIGHTS VIOLA-
TIONS.

E. RECALL OUR AMBASSADOR.

4. EFFECTIVENESS

OUR LACK OF LEVERAGE MAKES IT DIFFICULT FOR ANY OF THE
ABOVE OPTIONS TO SIGNIFICANTLY CHANGE THE SITUATION
INSIDE TANZANIA. FURTHERMORE, THE INEVITABLE HOSTILE
REACTIONS FROM THE GOVERNMENT WOULD SEEM TO MAKE MOST
PUBLIC EFFORTS COUNTERPRODUCTIVE AND ADVERSELY IMPACT ON
OUR SOUTHERN AFRICA EFFORTS.

NEVERTHELESS, WE SHOULD ATTEMPT TO INITIATE SOME
DIALOGUE WITH THE GOVERNMENT THAT INCLUDES REFERENCE TO
HUMAN RIGHTS IN TANZANIA. THIS WOULD BE BEST DONE
PRIVATELY, NOTING THAT TANZANIAN ACCOMPLISHMENTS IN
IMPROVING THE ECONOMIC STATUS OF ITS POOR AND THE STRIDES
MADE TOWARD SELF-RELIANCE SINCE INDEPENDENCE HAVE
GIVEN TANZANIA A FAVORABLE IMAGE WHICH, HOWEVER, IS MARRED
BY SUCH HUMAN RIGHTS VIOLATIONS AS DETENTION WITHOUT TRIAL
AND THE PLIGHT OF POLITICAL PRISONERS. WE COULD ALSO
MENTION OUR CONVICTION THAT TANZANIA'S REPUTATION IN
THE WORLD WOULD BE ENHANCED IF MORE OF TANZANIA'S
ELECTIONS WERE CONTESTED RATHER THAN HAVING SO MANY
PARLIAMENTARY SEATS FILLED BY APPOINTMENT. WE COULD ADD
THAT SAME WOULD RESULT IF FREEDOM OF THE PRESS WERE
RESTORED AND IF THE MEDIA PAINTED A TRUER PICTURE OF THE
REAL WORLD TODAY.

CONFIDENTIAL

PAGE 09 STATE 144414

WE PERHAPS HAVE THE BEST CHANCE OF SOME POSITIVE ACTION
ON POLITICAL PRISONERS, AND OUR TACK COULD WELL BE TO
CALL TO TANZANIA'S ATTENTION THE FAVORABLE PUBLICITY
WHICH COULD BE GENERATED BY IMPROVING CONDITIONS IN
PRISONS AND RELEASING DETAINEES. WE WOULD ALSO STATE
THAT SUCH AN IMPROVEMENT REMOVES A POTENTIAL CAUSE FOR
CRITICISM OF TANZANIA ITSELF AT A TIME IN WHICH THE
TANZANIANS ARE IN THE FOREFRONT OF STATES DEMANDING AN
END TO HUMAN RIGHTS VIOLATIONS IN SOUTHERN AFRICA AND IN
UGANDA. VANCE

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